

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,
ex rel. KATHLEEN MCDONNELL,

Plaintiff,

v.

ICP MEDICAL, LLC,

Defendant.

No. 4:14CV2042 JAR

ORDER

The Court, having considered the United States' Notice of Partial Intervention, Motion To Lift Seal, and Motion To Dismiss, and the United States of America ("United States"), having intervened in part and declined in part in this action, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and 31 U.S.C. §§ 3730(b)(4)(A) and (B), it is hereby ORDERED THAT:

1. Relator does not request a fairness hearing, and has agreed that the settlement is fair and reasonable. As such, there is no need for a fairness hearing, and the relator has been given adequate notice and opportunity to be heard. Therefore, the Court finds that the settlement between the United States, Relator, and Defendant is fair adequate and reasonable pursuant to 31 U.S.C. §§ 3730 (c)(2)(B) and (b)(1). Accordingly, the Court grants the United States of America's Motion to Dismiss.

2. Pursuant to Fed. R. Civ. P. 41(a)(2) and 31 U.S.C. § 3730(b)(1), the claims set forth in forth in Count One of the Relator's Complaint (which was filed on December 12, 2014), as defined and limited by the "Covered Conduct" section of the civil Settlement Agreement, are dismissed with prejudice as to the United States and with prejudice as to the Relator.

3. Pursuant to Fed. R. Civ. P. 41(a)(2) and 31 U.S.C. § 3730(b)(1), the non-intervened portions of the claims set forth in the Relator's Complaint, including all Counts other than Count One and every allegation or claim not specifically discussed above in paragraph 2 of this Order, are dismissed without prejudice as to the United States and with prejudice as to the Relator and all others.

4. With the exception of the complaint, the Notice of Partial Intervention, and this Order, all other pleadings, including, but not limited to, all requests for extensions and any memoranda and declarations in support thereof, shall remain under seal.

DATED:

January 6, 2017

John A. Rowe
UNITED STATES DISTRICT JUDGE